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Chairperson: Ms. Gittens-Joseph (Trinidad and Tobago)

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The meeting was called to order at 3 p.m.

Agenda item 111: Programme of activities of the International Decade of the World's Indigenous People (continued)

Draft resolution A/C.3/55/L.19

1. **Mr. Pruzan-Jorgesen** (Denmark) introduced draft resolution A/C.3/55/L.19, entitled Programme of activities of the International Decade of the World's Indigenous People, and announced that Armenia, Austria, Bolivia, Bosnia and Herzegovina, Costa Rica and the former Yugoslav Republic of Macedonia had become sponsors. He also pointed out that a correction had been made to the text: in the last line of the English version of paragraph 7 (e), the word "developing" should be replaced by "elaborating", which was the word that had figured in the version submitted to the Secretariat.

2. After summing up the main elements of the draft resolution, he said that the text was a slightly updated and modified version of the resolution that had been adopted during the previous session on the International Decade of the World's Indigenous People, and recorded the progress achieved since then in promoting the goals of the Decade. Since the draft had been prepared in open-ended consultations with the participation of all, he hoped that it could be adopted without a vote.

Agenda item 114: Human rights questions (A/55/3, A/55/280/Add.1 and 2, A/55/296/Add.1, A/55/133-S/2000/682, A/55/309, A/55/310, A/55/375, A/55/473, A/C.3/55/4)

(a) **Implementation of human rights instruments** (A/55/40 (Suppl. No.40), A/55/44 (Suppl. No.44), A/55/178, A/55/204, A/55/205, A/55/206 and A/54/805, A/55/207, A/55/208, A/55/278, A/55/290, A/55/313 and A/55/438-SR/2000/931)

3. **Ms. Stamatopoulou** (Deputy Director of the Office of the United Nations High Commissioner for Human Rights) said that one of the objectives of the Millennium Assembly had been to support universal ratification of the core human rights treaties, and that, during the course of those three days, 273 countries had signed, ratified or acceded to those instruments, an unprecedented number. The sole, and regrettable,

exception was the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which had not received the requisite support and still needed the accession of another six States before it could enter into force.

4. Reviewing the work of the human rights treaty bodies, she said that the Committee on Economic, Social and Cultural Rights, in addition to considering reports submitted by States parties, was continuing to develop jurisprudence by preparing general comments on the provisions of the Covenant. Since that task was carried out with the assistance of the specialized agencies, United Nations organs, academic institutions and experts from around the world, the comments reflected a truly universal approach to the promotion and protection of economic, social and cultural rights.

5. The Human Rights Committee, for its part, continued to face the problem of States parties failing to appear before the Committee on the scheduled dates for the consideration of their reports. The Committee had embarked on the process of reviewing its working methods in relation to reports of States parties, and would report on its progress to the General Assembly during its fifty-sixth session.

6. The Committee against Torture was continuing its work on the four confidential inquiries under article 20 of the Convention. Forty-two States parties had accepted the competence of the Committee to consider communications submitted under article 22 of the Convention. During their two most recent sessions, the Committee had examined 18 communications, formulated 11 final views on the merits of communications and found one violation of the Convention.

7. The implementation of the human rights treaties was hampered by a lack of sufficient resources for the treaty monitoring bodies. That subject had been discussed at the meetings of chairpersons of the human rights treaty bodies; at the meeting of June 1999, the chairpersons had decided to adopt a plan of action to strengthen the implementation of the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Two more plans of action had been adopted, one related to the Convention on the Rights of the Child, and the other to the International

Covenant on Economic, Social and Cultural Rights. In the context of its annual appeal for extrabudgetary contributions, the High Commissioner for Human Rights had sought contributions for those three plans of action. The additional resources received had produced considerable improvements. For instance, it had been possible to continue to employ specialized staff for the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights, and to recruit additional staff to assist the Human Rights Committee. In addition to the plans of action, at the 2000 meeting the Chairpersons of the treaty monitoring bodies had discussed ideas for improving functioning and promoting coordination, and had reviewed the role of the annual meeting, with a view to making it a more effective mechanism for reform.

8. The need for a profound structural reform was long overdue. The Office of the High Commissioner was therefore pleased that the Chairpersons of the monitoring bodies, the Secretariat, and the States parties were considering that matter. Those discussions had been sparked by the report of the independent expert of the Commission on Human Rights on enhancing the long-term effectiveness of the United Nations human rights treaty monitoring system. The most recent report of the independent expert, which had been submitted to the Commission on Human Rights in 1997, raised many questions which continued to be relevant to the functioning of the treaty bodies. At the request of the General Assembly, a second round of consultations had been conducted on that report by Governments, United Nations bodies, the specialized agencies, and interested persons. The General Assembly had before it all the relevant documents.

9. **Mr. Le Bret** (France), speaking on behalf of the European Union and the associated countries, namely, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, and of Cyprus, Malta and Turkey, which also supported his statement, said that the World Conference on Human Rights had contributed to the attainment of the goal of universal ratification of the human rights treaties and protocols. Altogether, only 100 countries had signed the six major international instruments. The European Union was pleased that the appeal launched by the Secretary-General had given rise to new commitments and urged Member States that had not yet done so to become parties to the human rights treaties without delay.

10. Events such as the Millennium Summit, the tenth anniversary of the Convention on the Rights of the Child and the Beijing + 5 meeting had offered the international community the opportunity to promote adherence to the respective human rights instruments. The upcoming special session of the General Assembly for Follow-up to the World Summit on Children and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would galvanize new activity on behalf of human rights. In that regard, he wished to emphasize the importance of the right to education and urged States to step up their efforts in that area.

11. In the view of the European Union, it was important for States, when becoming parties to a treaty, to limit their reservations and to refrain from formulating reservations that were incompatible with the spirit of that instrument. Accordingly, the Union closely monitored reservations to human rights treaties, and had in certain instances taken measures concerning, for example, reservations formulated by certain countries with regard to article 6, paragraph 5 of the International Covenant on Civil and Political Rights, which prohibited the application of the death penalty to children.

12. It was important that, in addition to legal measures, States parties should take practical steps to ensure the application of international instruments at the national level. Another important element was continuous interaction between the treaty monitoring bodies and States. In that respect, the European Union commended the work done by the various treaty bodies, which *inter alia*, facilitated implementation by formulating recommendations.

13. The beneficiaries of the rights enshrined in the treaties must be able to assert those rights. For that reason, the European Union welcomed the entry into force of the most recent individual complaint mechanism, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

14. The European Union was aware of the need to strengthen the application of economic, social and cultural rights and believed that before establishing the communications system provided for in the corresponding Optional Protocol, it was necessary to weigh all the legal aspects of the question. An additional protocol to the Convention against Torture

was also under negotiation, with a view to giving that instrument an effective oversight mechanism. The European Union called upon all States to accede to that Convention.

15. It was crucial that the treaty monitoring bodies should be given the necessary human and financial resources and that they should harmonize their work and fit coherently into the United Nations human rights system.

16. The enormous number of States having to present reports meant that the workload of the treaty bodies was excessive and had resulted in delays. The system's functioning must be improved and its credibility preserved. The European Union therefore welcomed the measures taken to that end by the various committees, the High Commissioner for Human Rights and a number of United Nations bodies. It would like to see a simplification of procedures, greater interaction among the various human rights mechanisms, particularly the Commission on Human Rights, and the mobilization of additional financial resources with which to improve the system.

17. The States members of the European Union reiterated their firm intention to fulfil their obligations under the international treaties to which they were parties and they urged the other countries of the international community to do likewise. It was necessary to join forces in order to improve the system and achieve the full application of the principles set forth in the Universal Declaration of Human Rights and in the treaties which were their indispensable translation into law.

18. **Mr. Oda** (Egypt) said that while there was reason to be proud of the progress made and the awareness raised in the field of human rights at the international level, many of the internationally recognized norms and principles were still not being applied, even though everyone agreed that human rights were universal, indivisible and interrelated.

19. Economic, social and cultural rights, including the right to development, must receive the same attention as civil and political rights. The Vienna Declaration and Programme of Action, in addition to emphasizing the universal nature of human rights and the importance of international cooperation in that area, also referred to a very important principle which his delegation wished to underscore: promoting and safeguarding human rights was the responsibility of

Governments. In its overall approach to human rights, his Government emphasized the following principles: firstly, the importance of avoiding the politicization of human rights and their use as a means of putting pressure on certain States or as a pretext for interfering in the domestic affairs of a particular State or for the purpose of achieving one's own political, economic or commercial ends. Secondly, no human rights policy should be based upon the application of a double standard or selective criteria. His delegation was profoundly concerned at the violation of the rights of the Palestinians in the occupied Arab territories, which blatantly violated the basic concept of "humanity" and international customs, norms and obligations. What was surprising and discouraging about that situation was that some States, for purely political reasons, were refusing to deal effectively with the worsening humanitarian situation in the occupied Arab territories or were simply ignoring it, an attitude which called into question their credibility and good intentions in dealing with human rights in general. Thirdly, it was necessary to bear in mind that there were many diverse cultures in the world and that, more than ever before, the international community needed to foster a high degree of tolerance and understanding among the various States and peoples, regardless of cultural, religious or ethnic differences.

20. Egypt's adherence to the principles and purposes of the United Nations were reflected both in its accession to some 19 international instruments and in the fact that it had brought its domestic law into line with the letter and the spirit of those instruments. Its Constitution and domestic legislation took account of the country's various treaty obligations, in order to avoid conflicts with those instruments while at the same time ensuring that the country's specific culture, religion and civilization were respected.

21. National non-governmental organizations played an important role in the promotion of human rights principles. Such organizations were among the most effective elements of Egypt's human rights system and played a fully recognized role in the protection and promotion of human rights at the national, regional and international levels. Lastly, like most developing countries, Egypt hoped to develop its democracy still further while maintaining a clear vision of human rights questions. While human rights centred on individual rights and freedoms, their purpose was also

to ensure the happiness, stability and well-being of the community.

22. **Mr. Sharma** (Nepal) said that Nepal had been meeting its international and domestic obligations alike, despite the serious difficulties which it faced as a newly democratic and poor country. In a globalized world, as the Prime Minister of Nepal had said at the Millennium Summit, democracy, development, justice, human rights and the rule of law had become a common cause of the global community. While the international community had been able to develop common standards and goals in the area of human rights for all of humankind, it was agonizing when one set of rights took precedence for some States while other rights were ignored. His delegation believed that political and economic rights were not mutually exclusive but in fact reinforced each other.

23. At times, developing countries might be unable to meet their human rights commitments owing to poverty or conflict and it was understandable that they should be criticized. What defied understanding, however, was that the very countries that criticized them should snub the treaty bodies when they were themselves accused of human rights violations. That gave the impression that the human rights mechanisms had been set up to chastise only the poor and the weak.

24. The principal obstacles to promoting human rights were illiteracy, disease and poverty in countries such as Nepal. The most fundamental of all rights was the right to life. While globalization and the technological revolution had held out the promise of freedom of choice, by being exclusive they had left out the poor. The conditions necessary to sustain life and develop options from which to choose must first be ensured.

25. All the global conferences of the 1990s had recognized that democracy, poverty eradication, social development and human rights, including the right to development, were cross-cutting issues that must be addressed together in order to improve the lot of human beings. The recent Millennium Summit had reaffirmed that same principle. Eliminating absolute poverty would in itself remarkably improve the human rights situation in most countries, and it would also have a salutary impact on efforts to promote peace and democracy.

26. It would be a gross injustice if human rights were secured at the expense of the world's children. Every

effort must be made to ensure that children were not deprived of their right to enjoy the bounty of nature because of environmental damage. There was a need to explore the notion of environmental rights as a vital human rights issue.

27. After the Vienna Conference, which had called for the universal adoption of human rights treaties, the number of countries becoming parties to those treaties had increased notably. However, even core treaties such as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment were still not universal. Nepal had become a party to 16 human rights instruments, including six core treaties, and fully supported the call by the High Commissioner for Human Rights to aim for universal ratification of all the core treaties by the year 2003. It also urged broader international ratification of the core of the International Labour Organization (ILO) conventions, including those concerning the protection of children's rights.

28. In addition to the ratification of treaties, domestic legal and institutional mechanisms needed to be put in place and effective implementation ensured in order to achieve the anticipated results. His Government had been taking vigorous measures in keeping with the provisions of international human rights treaties. For instance, it had enacted the Human Rights Commission Act 2054 and abolished capital punishment and had also recently established an independent Human Rights Commission. The private sector was being encouraged, through the promotion of good business practices, to play a strong role in promoting the human rights of both workers and consumers. Non-governmental organizations were being increasingly helped to raise human rights awareness at the grass-roots level.

29. It was the primary responsibility of States parties to implement the human rights provisions of global treaties. However, help was essential for those countries which lacked the experience and resources needed to fulfil that objective. That was where international cooperation became critical for achieving the goal of creating enlightened societies that were capable of complying fully with human rights norms.

30. International law should be constantly adapted to changing realities. That was why his Government recognized the importance of drafting additional

protocols with the aim of defining the precise context and reinforcing the provisions of various human rights treaties. In that context the adoption of two optional protocols to the Convention on the Rights of the Child, which Nepal had signed during the Millennium Summit, was a welcome step forward.

31. **Mr. Picasso (Peru)** said that, in recent decades, States had witnessed the constructive, rapid development of a set of both national and international principles, norms and provisions. During that process, the human person had been recognized as the central subject of society and the State. A jurisdictional and non-jurisdictional, legal and political, multilateral and bilateral system of protection could be seen to be taking shape, in which human rights were a necessary frame of reference for the relationship between State and individuals, something that was without precedent in the history of international relations. Starting with the Universal Declaration on Human Rights, and continuing with International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other important international instruments, a consensus had gradually emerged on issues of interest to all States and of high priority to the international community.

32. At the 1993 World Conference on Human Rights, new legal principles had emerged, such as poverty eradication and the dignity of the human person, and the possibility of achieving freedom had become a genuine reality. As a result of the 1986 Declaration, the right to development had achieved greater recognition, reflecting the debate between political and civil societies with different institutions and forms of representation, namely the developed and the developing countries.

33. Action to promote human rights should go beyond and not be limited to the creation of mechanisms for denouncing human rights violations. Efforts must be made to reduce the conditions of material inequality that prevented people from fully exercising their human rights within their respective societies. For that reason, Peru attached particular importance to the issue of human rights and extreme poverty, on which it would again present a draft resolution to the Third Committee at the current session.

34. With regard to international mechanisms and procedures for monitoring the human rights situation,

his Government's conduct was based on transparency, dialogue and cooperation as fundamental principles for the effective protection of the human person. In Peru's own case, words had been backed by action, for instance with regard to cooperation. One clear demonstration of the Government's policy was the fact that it had hosted various authorities, including the Representative of the Secretary-General for internally displaced persons in 1995, the Special Rapporteur on the independence of judges and lawyers in 1996 and the Working Group on Arbitrary Detention in 1998. That policy had been demonstrated again in 2000 with the invitation addressed to the Special Rapporteur on freedom of opinion and expression. His Government paid heed to the thematic procedures and the resulting recommendations. In the context of human rights protection, cooperation meant making every effort to act on such recommendations. Since in Peru's case most recommendations had been linked to situations arising from the implementation of special legislation against the terrorist violence that had affected the country for more than a decade, it was understandable that such recommendations had helped to deal with certain situations and to adopt the necessary measures.

35. His delegation had seen fit to explain its position, because it felt that, in order to arrive at a consistent, overall view of the issue, it was necessary to have a full and comprehensive understanding of the circumstances existing within States and their respective societies. The big challenge facing the international community to achieve a convergence of political wills which while respecting differences, would permit genuine progress in the field of human rights.

36. **Mr. Reyes Rodriguez (Cuba)** expressed regret that, two years since the Secretary-General, as part of the reform process, had requested that the treaty bodies should be strengthened and their procedures and working methods streamlined very little had been done to put his request into practice. He was also concerned that the main inputs had come from academics in the industrialized countries. The process must be an open and participatory one to which all States Members of the United Nations could contribute; in other words, the intergovernmental nature of the process of reforming and consolidating the work of the treaty bodies must be respected.

37. His delegation agreed with the need to keep the work of the treaty bodies depoliticized and believed

that transparency was needed to ensure frank and fruitful dialogue between States parties and treaty bodies. It was in favour of using all sources of information on the human rights situation in a given country, but felt that such sources must be available to all interested parties, including the State party about which information was being provided.

38. The application of many human rights instruments required not only national efforts and policies but also substantial international cooperation. The Committee on Economic, Social and Cultural Rights could monitor the of developed countries, fulfilment of their commitments with regard to the provision of resources for official development assistance, which was fundamental for ensuring the full enjoyment of all human rights throughout the world.

39. His delegation was concerned about the continuing difficulties in ensuring the equitable geographical representation of all regional groups in the treaty bodies, as exemplified by the Committee on the Elimination of Racial Discrimination, where all the countries of the Group of Western European and Other States had been elected, to the detriment of representatives from other regions. It was also important to pursue a dialogue between the representatives of States parties and the Chairpersons of treaty bodies, and his delegation supported the idea of devoting a whole day to such discussions.

40. **Mr. La Yifan (China)** said that countries' different circumstances must be respected and that how human rights were promoted, protected and achieved depended on economic development, political structures, cultural patterns, historical traditions and religious beliefs. Such considerations should be taken into account when considering reports, and States parties should be encouraged to comply with human rights treaties, while taking due account of their specific circumstances and adopting specific measures.

41. It was also necessary to ensure that materials and sources were reliable and trustworthy. In the information age, all kinds of materials were available, and the treaty bodies must make sure that the information provided was correct in order to ensure that unfounded political allegations were not made.

42. His delegation believed that the technical and legal nature of the work of the treaty bodies' work and the fact that their recommendations were based on their members' expertise, were very important for helping

States parties to act as mandated by those treaties, provided that sovereignty and the principle of non-interference in the internal affairs of States were respected. His Government had always attached great importance to cooperation with regard to the human rights conventions and had always fulfilled its obligations in that regard. It would respond energetically to the Secretary-General's call for more countries to accede to and ratify the international human rights treaties, as could be seen from the fact that China's legislative branch was considering the International Covenant on Economic, Social and Cultural Rights, which it expected to ratify as soon as possible.

The meeting rose at 4.30 p.m.